

CLEARY GOTTlieb STEEN & HAMILTON LLP

Sean A. O'Neal

Luke A. Barefoot

Jane VanLare

Thomas S. Kessler

Andrew Weaver

One Liberty Plaza

New York, New York 10006

Telephone: 212-225-2000

Facsimile: 212-225-3999

Counsel to the Debtors

and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Genesis Global Holdco, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No.: 23-10063 (SHL)

Jointly Administered

**AMENDED AGENDA FOR HEARING TO BE HELD
FEBRUARY 26, 2024, AT 9:30 A.M. (PREVAILING EASTERN TIME)**

Date and Time of Hearing: February 26, 2024, at 9:30 a.m. (Prevailing Eastern Time)

Location of Hearing: Before the Honorable Judge Sean H. Lane, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York. The February 26 hearing will be hybrid and will be conducted in person and through Zoom for government. Please note that evidentiary matters related to the hearing will be conducted in person. Parties wishing to register for the Zoom hearing should use the eCourt Appearances link on the Court's website: <https://www.nysb.uscourts.gov/ecourt-appearances> no later than 4:00 p.m. (prevailing Eastern Time) on the business day before the February 26 hearing (the "Appearance Deadline"). Following the Appearance Deadline, the Bankruptcy Court will circulate by email the Zoom link to the February 26

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's tax identification number (or equivalent identifier), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); and Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 175 Greenwich Street, Floor 38, New York, NY 10007.

hearing to those parties who have made an electronic appearance.

Members of the public who wish to listen to, but not participate in, the Hearing free of charge may do so by calling the following muted, listen-only number: 1-929-205-6099, Access Code: 92353761344#

Copies of Motions:

Copies of each pleading identified below can be viewed and/or obtained: (i) from the Debtors' notice and claims agent, Kroll Restructuring Administration LLC, located at 55 East 52nd Street, 17th Floor, New York, NY 10055, for free of charge on the Debtors' case website at <https://restructuring.ra.kroll.com/genesis/> or by calling +1 888-524-2017 or (ii) by accessing the Court's website at www.nysb.uscourts.gov. Note that a PACER password is needed to access documents on the Court's website.

AMENDED AGENDA FOR FEBRUARY 26 HEARING

Matters to be Heard at February 26 Hearing:

I. Uncontested Matters:

1. **SEC Settlement Motion:** *Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between Genesis Global Capital, LLC and the U.S. Securities and Exchange Commission.* ECF No. 1220.

- i. **General Response Deadline:** February 21, 2024 at 12:00 p.m. (Eastern Time)

- ii. **Related Pleadings:**

- a. *Debtors' Motion to Shorten the Notice Period With Respect to the Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between Genesis Global Capital, LLC and the U.S. Securities and Exchange Commission for Entry.* ECF No. 1221.
 - b. *Order Shortening Notice Period with Respect to the Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between Genesis Global Capital, LLC and the U.S. Securities and Exchange Commission.* ECF No. 1226.
 - c. *Notice of Hearing on (A) Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between Genesis Global Capital, LLC and the U.S. Securities and Exchange Commission and (B) Debtors' Motion Seeking Entry of an Order Authorizing, But Not Directing, (I) the Sale of Trust Assets and (II) Granting Related Relief.* ECF No. 1245.
 - d. *Order (I) Adjourning (A) Confirmation Hearing, (B) SEC Settlement Motion and (C) Related Deadlines and (II) Authorizing Debtors to Shorten*

Notice Period Regarding Debtors' Motion to Approve NYAG Settlement.
ECF No. 1305.

- iii. **Status:** A proposed order has been filed and the matter is going forward on an uncontested basis.

II. Contested Matters:

1. **NYAG Settlement Motion:** *Debtors' Motion Seeking Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General.* ECF No. 1275.

- i. **General Response Deadline:** February 21, 2024 at 12:00 p.m. (Eastern Time)

ii. **Responses:**

- a. *Digital Currency Group, Inc. and DCG International Investments Ltd.'s Objection and Reservation of Rights to Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General.* ECF No. 1341.
- b. *Direct Testimony of Jason Brown in Support of Digital Currency Group, Inc.'s and DCG International Investments Ltd.'s Objection and Reservation of Rights to Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General.* ECF No. 1342.
- c. *Direct Testimony Declaration of Adam W. Verost in Support of Digital Currency Group, Inc.'s and DCG International Investments Ltd.'s Objection and Reservation of Rights to Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General.* ECF No. 1343.

iii. **Related Pleadings:**

- a. *Declaration of Paul Aronzon in Support of Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General.* ECF No. 1275.
- b. *Debtors' Motion to Shorten the Notice Period with Respect to the Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General.* ECF No. 1276.
- c. *Order (I) Adjourning (A) Confirmation Hearing, (B) SEC Settlement Motion and (C) Related Deadlines and (II) Authorizing Debtors to Shorten Notice Period Regarding Debtors' Motion to Approve NYAG Settlement.* ECF No. 1305.
- d. *Motion for Authority to File Under Seal (I) Digital Currency Group, Inc. and DCG International Investments Ltd.'s Objection and Reservation of*

Rights to Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General; (II) Direct Testimony of Jason Brown in Support of Digital Currency Group, Inc. and DCG International Investments Ltd's Objection and Reservation of Rights to Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General; and (III) Direct Testimony Declaration of Adam W. Verost in Support of Digital Currency Group, Inc. and DCG International Investments Ltd's Objection and Reservation of Rights to Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General. ECF No. 1344.

- e. *Statement of the New York State Office of the Attorney General In Support of Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General. ECF No. 1364.*
- f. *Statement of the Official Committee of Unsecured Creditors in Support of Debtors Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General. ECF No. 1365.*
- g. *Reply of the Ad Hoc Group of Genesis Lenders in Support of Debtors' Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General. ECF No. 1366.*
- h. *Debtors' Reply in Support of Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General (REDACTED). ECF No. 1367.*
- i. *Debtors' Motion for Authority to Redact and File Certain Information Under Seal in Connection with the Debtors' Reply in Support of Motion for Entry of an Order Approving a Settlement Agreement Between the Debtors and the New York State Office of the Attorney General. ECF No. 1368.*

iv. **Status:** A proposed order has been filed and the matter is going forward on a contested basis.

2. **Motion in Limine.** *The Genesis Crypto Creditors Ad Hoc Group's Motion in Limine to Preclude Evidence Regarding the Proposed Releases and the Special Committee Investigation. ECF No. 1350.*

i. **Status:** The Debtors will file a response and the matter is going forward on a contested basis.

3. **Amended Chapter 11 Plan.** *Debtors' Amended Joint Chapter 11 Plan. ECF No. 1325.*

- i. **Response Deadline of Valour, Inc., Office of the U.S. Trustee, Securities Litigation Plaintiffs, and Securities and Exchange Commission:** January 31, 2024 at 4:00 p.m. (Eastern Time)
- ii. **Response Deadline of Foundry Digital LLC, New York Attorney General, New Jersey Bureau of Securities, Texas Attorney General (TX Dept of Banking; TX Securities Board), and Non-Debtor Discovery Parties:** February 5, 2024 at 4:00 p.m. (Eastern Time)
- iii. **Responses:**
 - a. *Objection of the United States Trustee to the Confirmation of the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1202.
 - b. *Objection of SOF International, LLC to Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1218.
 - c. *Reservation of Rights of the U.S. Securities and Exchange Commission to Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1219.
 - d. *Reservation of Rights of the New York State Office of the Attorney General with Respect to the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1232.
 - e. *Response and Reservation of Rights of the New Jersey Bureau of Securities.* ECF No. 1235.
 - f. *Objection of the Texas State Securities Board and the Texas Department of Banking to Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1236.
 - g. *Statement Reservation of Rights Filed by Richard Corbi on Behalf of Claimant 351.* ECF No. 1237.
 - h. *Genesis Crypto Creditors Ad Hoc Group's Objection to Confirmation of the Amended Joint Chapter 11 Plan of Genesis Global Holdco, LLC, Genesis Global Capital, LLC, and Genesis Asia Pacific Pte. Ltd.* ECF No. 1238.
 - i. *Declaration of Bassem Jassin in Support of the Genesis Crypto Creditors Ad Hoc Group's Objection to Confirmation of the Debtors' Chapter 11 Joint Plan of Reorganization.* ECF No. 1238.
 - j. *Declaration of Isaac Fernandez in Support of the Genesis Crypto Creditors Ad Hoc Group's Objection to Confirmation of the Debtors' Chapter 11 Joint Plan of Reorganization.* ECF No. 1238.
 - k. *Gemini Trust Company, LLC's Response and Reservation of Rights with Respect to Confirmation of the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1239.

- l. *Reservation of Rights of the Ad Hoc Group of Genesis Lenders to Confirmation of the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1240.
- m. *Notice of Filing of Corrected Exhibit B to the Genesis Crypto Creditors Ad Hoc Group's Objection to Confirmation of the Amended Joint Chapter 11 Plan.* ECF No. 1246.
- n. *Digital Currency Group, Inc. and DCG International Investments Ltd.'s Objection to Confirmation of the Debtors' Amended Plan.* ECF No. 1248.
- o. *Objection to Confirmation of Amended Plan of BAO Family Holdings LLC.* ECF No. 1251.
- p. *Amended Objection to Confirmation of Plan of BAO Family Holdings LLC.* ECF No. 1252.
- q. *Digital Currency Group, Inc. and DCG International Investments Ltd.'s Amended Objection to Confirmation of the Debtors' Amended Plan.* ECF No. 1257.
- r. *Direct Testimony of Adam W. Verost in Support of Digital Currency Group, Inc.'s and DCG International Investments Ltd.'s Objection to Confirmation of the Amended Joint Plan of Genesis Global Holdco, LLC, et al.* ECF No. 1281.
- s. *Direct Testimony of Adam W. Verost in Support of Digital Currency Group, Inc.'s and DCG International Investments Ltd.'s Objection to Confirmation of the Amended Joint Plan of Genesis Global Holdco, LLC, et al.* ECF No. 1328.
- t. *The Genesis Crypto Creditors Ad Hoc Group's Objection to Confirmation of the Amended Joint Chapter 11 Plan of Genesis Global Holdco, LLC, Genesis Global Capital, LLC, and Genesis Asia Pacific PTE. Ltd. (REDACTIONS REVISED).* ECF No. 1356.

iv. Related Pleadings:

- a. *Debtors' Amended Joint Chapter 11 Plan.* ECF No. 989.
- b. *Amended Disclosure Statement with Respect to the Amended Joint Plan of Genesis Global Holdco, LLC et al., Under Chapter 11 Plan of the Bankruptcy Code.* ECF No. 1031.
- c. *Notice of Filing of Plan Supplement for the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1117.
- d. *Notice of Filing of Plan Supplement for the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1131.

- e. *Notice of Filing of Plan Supplement for the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1137.
- f. *Notice of Filing of Plan Supplement for the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1144.
- g. *Declaration of Alex Orchowski of Kroll Restructuring Administration LLC Regarding the Solicitation of Votes and Tabulation of Ballots Cast on the Debtors' Amended Chapter 11 Plan.* ECF No. 1196.
- h. *Amended Witness List in Connection with the Confirmation Hearing.* ECF No. 1277.
- i. *Amended Declaration of Alex Orchowski of Kroll Restructuring Administration LLC Regarding the Solicitation of Votes and Tabulation of Ballots Cast on the Debtors' Amended Chapter 11 Plan.* ECF No. 1295.
- j. *Omnibus Memorandum of Points and Authorities of the Ad Hoc Group of Genesis Lenders in Support of Confirmation of the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1321.
- k. *Statement of the Ad Hoc Group of Dollar Lenders in Support of Confirmation of Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1326.
- l. *The Official Committee of Unsecured Creditors' Memorandum of Law in Support of Confirmation of the Amended Joint Chapter 11 Plan and Omnibus Response to Objections Thereto.* ECF No. 1326.
- m. *Declaration of Bradley Geer in Support of the Official Committee of Unsecured Creditors' Memorandum of Law in Support of Confirmation of the Amended Joint Chapter 11 Plan and Omnibus Objections Thereto.* ECF No. 1327.
- n. *Memorandum of Law in Support of Confirmation and Omnibus Reply to Objections to Confirmation of the Plan of Reorganization of Genesis Global Holdco, LLC et al., Under Chapter 11 of the Bankruptcy Code.* ECF No. 1330.
- o. *Declaration of Joseph J. Sciametta, Managing Director of Alvarez & Marsal North Americas LLC in Support of Confirmation of the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1330, Ex. C.
- p. *Declaration of Paul Aronzon, Member of the Special Committee of Board of Directors of Genesis Global Holdco, LLC, in Support of Confirmation of the Debtors' Amended Joint Chapter 11 Plan.* ECF No. 1330, Ex. D.
- q. *Notice of Filing of Amended Joint Chapter 11 Plan.* ECF No. 1331.

- r. *Amended Statement in Support of Confirmation of Debtors' Amended Joint Chapter 11 Plan, Reply to DCG's Plan Confirmation Objection and Reservation of Rights.* ECF No. 1351.
- s. *Declaration of Shaya Rochester in Support of Amended Statement by Creditor Teddy André Amadéo Gorisse in Support of Confirmation of Debtors' Amended Joint Chapter 11 Plan, Reply to DCG's Plan Confirmation Objection and Reservation of Rights.* ECF No. 1352.
- t. *Declaration of Bradley Geer in Support of the Official Committee of Unsecured Creditors' Memorandum of Law in Support of Confirmation of the Amended Joint Chapter 11 Plan and Omnibus Response to Objections Thereto.* ECF No. 1355.
- u. *Motion of the Genesis Crypto Creditors Ad Hoc Group for Entry of an Order Authorizing Redaction and the Filing of Certain Information Under Seal and Granting Related Relief.* ECF No. 1363.
- v. **Status:** A proposed order will be filed and the matter is going forward on a contested basis.

III. Matters Not Going Forward:

1. **Application for FRBP 2004 Examination.** *Debtors' Request for Entry of an Order Pursuant to 11 U.S.C. 105 and Fed. R. Bankr. P. Rule 2004 (I) Authorizing the Examination of Digital Currency Group, Inc. and DCG International Investments, Ltd. and (II) Granting Related Relief.* ECF No. 1303.
 - i. **General Response Deadline:** February 20, 2024 at 4:00 p.m. (Eastern Time)
 - ii. **Responses:**
 - a. *Digital Currency Group, Inc. and DCG International Investment, Ltd's Objection to the Debtors' Request for Entry of an Order Authorizing Examination Pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. Rule 2004.* ECF No. 1337.
 - iii. **Related Pleadings:**
 - a. *Debtors' Motion for Authority to Redact and File Certain Information Under Seal in Connection with the Genesis Debtors' Request for Entry of an Order Pursuant to 11 U.S.C. 105 and Fed. R. Bankr. P. Rule 2004 Authorizing the Examination of Digital Currency Group, Inc. and DCG International Investments, Ltd.* ECF No. 1304.
 - b. *Debtors' Reply in Support of the Request for Entry of an Order Pursuant to 11 U.S.C. Sec. 105 and Fed. R. Bankr. P. Rule 2004 (I) Authorizing the Examination of Digital Currency Group, Inc. and DCG International Investments, Ltd. and (II) Granting Related Relief.* ECF No. 1371.

c. *Notice of Adjournment of Hearing on the Rule 2004 Application and Sealing Application to March 6, 2024.* ECF No. 1372.

iv. **Status:** The matter is adjourned and shall now be conducted via Zoom on March 6, 2024, at 11:00 a.m. (prevailing Eastern Time) before the Honorable Judge Sean H. Lane, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601.

Dated: February 23, 2024
New York, New York

CLEARY GOTTlieb STEEN & HAMILTON LLP

/s/ Jane VanLare
Sean A. O'Neal
Luke A. Barefoot
Jane VanLare
Thomas S. Kessler
Andrew Weaver
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999

*Counsel for the Debtors
and Debtors-in-Possession*